

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 20-26 are currently pending in the subject application. By the instant amendment, claims 20-22 and 26 are amended and claims 27-31 are added.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants also appreciate the Examiner's consideration of the Information Disclosure Statement filed on September 11, 2003.

Applicants further appreciate the Examiner's acceptance of the drawings filed on September 11, 2003.

Claims 20-31 are presented to the Examiner for further or initial prosecution on the merits. Claim 20 is the sole independent claim.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 20-21 and 24-26 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,548,862 to Ryu et al. ("the Ryu et al. reference"), rejected claims 20-23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,272,100 to Satoh et al. ("the Satoh et al. reference") in view of U.S. Patent No. 6,316,297 to Matsuda ("the Matsuda reference"), and rejected claims 24-25 under 35 U.S.C. § 103(a) as being unpatentable over the Satoh et al. reference in view of the Matsuda reference as applied to claim 21 above, and further in view of U.S. Patent No. 6,432,779 to Hobbs et al. ("the Hobbs reference").

B. Asserted Anticipation Rejection

In the outstanding Office action, the Examiner rejected claims 20-21 and 24-26 under 35 U.S.C. § 102(e) as being unpatentable over the Ryu et al. reference. Applicants respectfully submit that the Ryu et al. reference is not a proper reference.

Attached hereto, please find a verified English translation for the Korean priority document. It is noted that the priority document has a filing date of November 21, 2001, which predates the effective date of the Ryu et al. reference, viz., May 14, 2002. Therefore, it is respectfully submitted that the Ryu et al. reference is not a proper reference, and all rejections based thereon should be withdrawn.

C. Asserted Obviousness Rejection of Claims 20-23 and 26

In the outstanding Office action, the Examiner rejected claims 20-23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over the Satoh et al. reference in view of the Matsuda reference. Claim 20 is amended to more particularly recite the present invention. Applicants respectfully submit that the proposed combination of the Satoh et al. and Matsuda references fails to suggest, much less disclose, each and every aspect of amended claim 20.

Claim 20, as currently amended, recites, in part,

. . . an L-shaped lower spacer covering a top surface of the semiconductor substrate at both sides of the T-shaped gate electrode and covering sides of the wide portion of the T shaped gate electrode, the L-shaped lower spacer having a first element disposed substantially perpendicular to the semiconductor substrate, and having a second element disposed substantially parallel to the semiconductor substrate, the second element extending from the first element laterally away from the T-shaped gate electrode;

By the instant amendment, claim 20 is amended to more particularly recite aspects of the present invention. No new matter is added, and support for the instant amendment can be found in, e.g., FIG. 9 of the subject application. Applicants respectfully submit that the proposed combination of the Satoh et al. and Matsuda references fails to disclose an L-shaped lower spacer having a first element disposed substantially perpendicular to the semiconductor substrate, and having a second element disposed substantially parallel to

the semiconductor substrate, the second element extending from the first element laterally away from the gate electrode.

In particular, in the outstanding Office action the Examiner indicated that the Satoh et al. reference discloses an L-shaped lower spacer 5. *Office action mailed June 29, 2005, at paragraph 5, page 4, with reference to FIG. 7C of the Satoh et al. reference.*

Applicants respectfully disagree, and submit that the spacer 5 is not L-shaped. In addition, the L-shaped lower spacer 5 lacks first and second elements that are substantially perpendicular, as recited in claim 20. Further, the Matsuda reference fails to disclose or suggest these teachings. Accordingly, applicants respectfully submit that the proposed combination of the Satoh et al. and Matsuda references fails to suggest, much less disclose, an L-shaped lower spacer as recited in claim 20.

Applicants respectfully submit that the proposed combination of the Satoh et al. and Matsuda references fails to suggest each and every element of claim 20. Further, the remaining rejected claims depend, either directly or indirectly, from claim 20 and are believed to be allowable for at least the reasons set forth above. Accordingly, applicants respectfully request that this rejection be reconsidered and withdrawn.

D. Asserted Obviousness Rejection of Claims 24-25

In the outstanding Office action, the Examiner rejected claims 24-25 under 35 U.S.C. § 103(a) as being unpatentable over the Satoh et al. reference in view of the Matsuda reference and further in view of the Hobbs reference. Claims 24 and 25 depend indirectly from claim 20. Applicants respectfully submit that the Hobbs reference fails to disclose or suggest the teachings noted above as missing from the Satoh et al. and Matsuda references. Accordingly, applicants respectfully submit that the proposed combination of the Satoh et al., Matsuda and Hobbs references fails to suggest, much less disclose, each

and every element of all the rejected claims. Therefore, applicants respectfully request that this rejection be reconsidered and withdrawn.

E. Other Claim Amendments

Claims 21, 22 and 26 are also amended by the instant amendment in order to more particularly recite aspects of the present invention and maintain consistency with claim 20. No new matter is added, and support for the instant amendment can be found in, e.g., FIG. 9 of the subject application.

F. New Claims

Claims 27-31 are added by the instant amendment. Applicants respectfully submit that no new matter is added, and support for claims 27-31 may be found in, e.g., FIG. 9 and paragraph [0038] of the specification. Applicants respectfully request entry and examination of these claims.

G. Conclusion

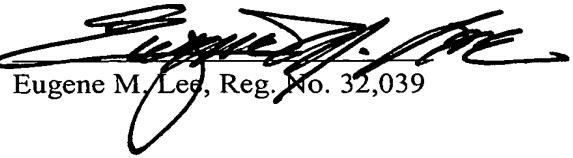
Since the cited prior art relied on to reject the claims of the subject application fails to anticipate or render obvious the present invention, applicants respectfully submit that claims 20-31 are in condition for allowance, and a notice to that effect is respectfully requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,
LEE & MORSE, P.C.

Date: September 28, 2005


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.